

Essential Points of Wartime International Law,  
Secretariat of Navy Ministry, 1937

## (1) Commencement of Hostilities Preceded by a Declaration of War.

(a) Between the contracting Powers (Japan, the British Empire, the United States of America, France, Germany, the Union of Socialist Soviet Republic and the Chinese Republic are the contracting powers) of the Hague Convention relative to the opening of hostilities, hostile activities shall not be commenced without an unequivocal and previous notification, which shall either be in the form of a declaration of war with reasons thereof, or in the form of an ultimatum including a conditional declaration of war. (Refer to Article I of the same Convention).

(Note) The Imperial Ultimatum to Germany dated August 15, 1914 (of Appendix 40)

## (b) Form of Notification

The notification shall be in document form.

(Note) There are such methods as handing the document to the envoy of a belligerent country residing in the country concerned or of sending the document to the belligerent government through the envoy of the country concerned residing in the belligerent country.

In case the diplomatic relations are already severed, procedure in conformity with the above methods shall be taken towards the envoy of a neutral country representing the interests of the country concerned or the belligerent country, the said envoy shall go through the above procedure.

## (c) Time of the Commencement of Hostilities.

There is no definite regulation to be observed as to the length of time between a declaration of war or an ultimatum and the commencement of hostilities. Therefore, it cannot be said to be a contravention of the Convention even if hostilities are commenced almost simultaneously with the declaration of war or the arrival of the ultimatum.

(Note) 1) At the second Peace Conference, some insisted that a period of twenty-four hours should elapse between a preliminary notice and hostilities, but this proposal was not accepted. 2) In case the country concerned hands a notice of unconditional commencement of war to the envoy of the belligerent country residing in the former's country, it would be necessary to allow him sufficient time for telegraphing to his country that he has received the said notice.

## (d) Notification to Neutral Powers.

A state of war shall be made known without delay to the neutral Powers and not until after the receipt of the notification shall the war effects towards the said Powers be brought about.

The above notification may be sent by telegraph. However, when it is certain that a neutral Power actually knew the existence of a state of war, the said neutral Power cannot insist that the war is not effective as regarding it on the ground that it had received no notification. (Refer to Article II of the same convention).

(2) Commencement of War, not preceded by a declaration of War (or commencement of hostilities).

(a) Between non-contracting Powers of the Hague Convention relative to the opening of hostilities or between a contracting Power and a non-contracting Power. Even if hostilities should be directly commenced between them without a preceding declaration of war or ultimatum, it would not be a violation of the International Law. However, it would generally be censured as a dishonorable act, to suddenly open hostilities when there had been no disputes or negotiations regarding the disputes or without even ascertaining whether the other party would comply with our requests or not.

(Note) 1) At the outbreak of the Russo-Japanese War, the Russian Government criticized adversely that the sudden attack on Jinsen and Port Arthur by Japanese war ships was a vile act, violating the regulations of the International Law. However, prior to this, Japan had been negotiating with Russia for half a year regarding the evacuation of Russian troops from Manchuria in connection with the territorial integrity of Korea, but did not show the least sincerity; on the contrary, she increased her military power and attempted to subjugate us. Realizing that no peaceful solution could be expected, the Imperial Government finally sent an ultimatum on the fifth of February, in which was the following phraseology. "The Imperial Government has decided to take the following measure and at the same time to reserve the right to take such independent actions, as seem best to solidify and defend the position infringed and to protect our vested rights and legitimate interests." Therefore, it is clear that the actions of our warships were far from sudden and vile attack. At the time of the Russo-Japanese War, the treaty regarding the opening of hostilities did not exist.

## C E R T I F I C A T E

Statement of Source and Authenticity

I, Michinori YOSHII hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief, Archives and Document Section, Second Demobilization Bureau, and that as such official I have custody of the document hereto attached consisting of 726 pages, dated May, 1937, and described as follows: Essential Points of Wartime International Law compiled by Professor Eihamoto, Secretary of Navy Ministry. I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files):

Signed at Tokyo on this

29th day of October, 1947.

/sgd/ Yoshii Michinori  
Signature of Official

Witness: Taso Isobe /sgd/

Chief, Archives and  
Document Section, SDB.  
Official Capacity

Statement of Official Procurement

I, James G. Lambert, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this

29 day of October, 1947.

/sgd/ James G. Lambert  
NAME

Witness: R. H. Larch

Investigator, IPS  
Official Capacity

昭和十二年五月

## 戰時國際法規綱要

海軍大臣官房

ノイの技革

(1) 宣戰 = 依ル戰爭開始

(2) 用戰 = 戰三國スル海牙條約締約國(帝國、英米佛羅  
蘇支那國等ハ締約國タリ)間ニ在リテハ理由ヲ  
附シタル用戰宣言、形式又ハ條件附用戰宣言  
ヲ含ム最戦後通牒ノ形式ヲ有スル明瞭且事前  
通告ナシテ敵對行海ヲ開始スベカラガルモノトス  
(同條約第一條参照)。(註)大正三年八月十五日  
帝國、對独最戦後通牒(附錄(四十一)参照)

(b) 通告、形式

文書ニ依ルノキモノトス。

(註)當該國ニ駐在スル對手國、使臣ニテ文シ又ハ  
對手國ニ駐在スル當該國使臣ヲシテ對手國政府  
ニ送致ヤシムル等、方法アルベシ。

國文断絶後ナルトキハ、當該國又ハ對手國、利益代  
表國タル中立國ノ使臣ニ對レシ又ハ之ヲシテ右ニ準  
ズル手続キヲ甚サレバキモノトス。

(c) 用戰、時期

宣戰又ハ最戦後通牒上、敵對行海、開始ト向  
幾河、期間ニ置ケベキカニ付テハ、原則ナシ。

故宣戰又ハ敵兵通牒到達ト合ハド同時ニ敵兵行軍ヲ南相ハリミ條約違反ト謂フベカラズ。

(註)一當開平和會議ニ於テ豫告ト敵對行軍ト向ニ二十四時前、向隅ヲ置ケベシ、主張アリテルモ採用セラレバ

(二)当該國ニ駐在スル對手國使臣ニ書修停戰、戰、通告ヲ平文心ル場合ニ、右使臣が右通告ヲ受ケル旨ヲ電報スル相當時間猶豫スル事無当トスベシ

#### (d) 中立國ニ付ヘル通告

戰事狀態ハ遲滯ナク中立國ニ通告スベ、通告受領后即ハ左、國ニ對テ戰事、効果ヲ生セルモノトス。

右通告ハ慶報ヲ以テルモ差支テ尤モ中立國ガ實際戰爭狀態ヲ知リルコト確実不<sup>ハ</sup>ル、右中立國ハ通告ヲ受ケガルヲ以テ自國ハ戰事、効果ナシト主張スルコトヲ得セルモノトス(同條)  
(第三條参照)

#### (2) 宣戰ニ依ラシ戰爭開始(又敵對行軍開始)

(a) 宣戰ニ關スル海牙本約非節約國向ニ又ハ締約國上非締約國ト間。

宣戰又ハ取扱通牒ヲ海スコトナシ、直ニ敵對行軍ヲ開始スルモ國際法規違反非<sup>ハ</sup>ルモ論議存セズ又ハ存スルモ之ニ序じ説判ヲ行

ハリ若叶半蔵ノハシ等の事は、ハヤシヤマ等大  
人より、宋使林時行等の手にて、歌子名鑑  
行焉トシ、非議アルル所也。

(註)

(一) 日露戰爭前後、即、露國政府ハ帝國軍艦  
ヲ仁川及旅順於アモル忠義亭ヲ開始シテハ  
軍事上也行焉ニテ國際法遵則ヲ殊論  
シテモ、モトナリ非難シム。

忽、トモ之ヨリ是夜、日艦向ハ韓國、独立保  
全ノ國號ハ滿洲鐵道開通半年亘リ前衝  
シテモ、露國誠ニ、設ハキナカヌホア  
兵備ヲ増大シ我ヲ警戒セシムトナリ。  
帝國ハ平和修解宗、達ムハカラサヒアキリ  
遂ニ一月五日最後の通牒ヲ發シテ、其  
中ニ左文言ア。

帝國政府ハ本、一、全、韓、朝、兩、國、同、時、  
其、威、害、免、テ、是、也、世、ヲ、華、國、ニ、且、之、ヲ  
防、衛、入、ル、キ、也、帝、國、既、得、權、益、及、正、當  
利、益、權、讓、ス、ト、是、良、思、惟、又、獨、立、  
行、動、取、心、ト、權、利、保、留、乙、  
故、帝、國、軍、艦、行、進、於、宋、朝、軍、艦、也、  
忠、義、亭、謂、ア、カ、リ、テ、明、瞭、ナ。

(日露戰爭當時ハ同威慶スル條約未  
グ存在セ)

(二) 開戰(開戦)條件の成立前後、慣例・宣

言(言葉)の条件(条件)の説明(説明)。

節(節)を如(如)じ

(4) 一。年三月十八日年三月三日百三十年間

正武(正武)用戰(用戰)、豫告(豫告)為(為)八十回(三十次)

豫告(豫告)三十敵討行(敵討行)開始(開始)。

於歐洲諸國(於歐洲諸國)又(又)其海外屬地(其海外屬地)

於下(於下)場合(場合)三(三)百七十(七十)度(度)。

二。年三月十八日年三月三日百三十回(三十回)

正武(正武)並(並)佛戰爭(佛戰爭)、帝國(帝國)正武(正武)予

告(告)。一八七一年(一八七一年)露(露)戰爭(戰爭)八露國(露國)

正武(正武)予告(告)。

(5) 南(南)歐(歐)大(大)海(海)牙(牙)條約(條約)國(國)間(間)

右條約(條約)國(國)間(間)於(於)モ(モ)年(年)九(九)月(月)場合(場合)宣(宣)

又(又)最後(最後)通牒(通牒)為(為)三十(三十)日(日)敵討行(敵討行)為(為)

來(來)不(不)下(下)止(止)。

一、一方(一方)條約(條約)視(視)敵討行(敵討行)為(為)出(出)

場合(場合)。

二、相討(相討)軍隊(軍隊)向(向)斗争(斗争)生(生)所屬(所屬)

之(之)誘(誘)敵(敵)セ(セ)テ(テ)公(公)私(私)戰(戰)爭(爭)訴(訴)是(是)至

場合(場合)。

三、半時(半時)於(於)自衛(自衛)事(事)、又(又)紛爭(紛爭)解決(解決)

、強(強)侵(侵)軍(軍)行(行)、公(公)事(事)後(後)半時(半時)討(討)

論(論)、保障(保障)、貿易(貿易)等(等)計(計)討(討)軍(軍)

支那の軍艦の構造とその運用法

講義

四、船体構造とその運用法の概要

能動的操縦のための機械装置の構造

能動的操縦のための機械装置の構造

(c) 戰争用船の構造と運用法の概要

戰争用船の構造と運用法の概要

一、討伐軍艦、軍艦、軍用航空機

二、軍艦以外、公船、軍艦

三、討伐軍艦、軍艦、軍用航空機

構造は軍艦と公船とが大体

特徴的な構造と運用法を有する

軍艦は軍艦、軍艦、軍艦、軍艦

軍艦は軍艦、軍艦、軍艦、軍艦

軍艦は軍艦、軍艦、軍艦、軍艦

右の大体標準通りに實際の軍艦、軍艦

競合する場合、各場合の軍艦、軍艦

(註)

(一)明治二年二月廿一日宣戰前帝國軍

艦、軍艦、軍艦、軍艦、軍艦、軍艦、軍艦、軍艦

船工事、軍艦、軍艦、軍艦、軍艦、軍艦、軍艦

右の軍艦、軍艦、軍艦、軍艦、軍艦、軍艦、軍艦

軍艦、軍艦、軍艦、軍艦、軍艦、軍艦、軍艦

IPS Doc No. 3094

(二) 俗アリ今セテト謂ヘ。

日清戰爭際高陞號率次敵軍  
隊討行舟船中立商船  
トト人謂之敵、帮助ノ舟スモナシ  
本日之戰ノ敵八十行將軍。  
在明治二十七年六月廿日前即同船  
沈、日、年前豐島沖、海戰ノ事  
實際二月戰時謂之本事件前半。

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## 證明書

國防檢察部第三九四號

## 與假公私公正二例之證明

余廿二年三月廿六日余下記證言於元帥官第三號軍事文書課  
長于日本政府公使署第三五七号十二号。並該官吏于余所添  
附于上之文二十六頁。即此。一九三七年五月廿日。下記題名。即海軍省宣  
房。二三七山款。證據。系戰時國際法。審矣。文書係官三五。居此  
上。茲證明入。

余之添附記載之文書以日本政府公文書出之並無下記名稱  
省文部局公文書類似之級、即上文之證明文書之類之級者之引  
用其他公文書類之證據於該文書正規所在公文名稱之特記。  
一九四〇年十一月二日東京公文局印

一九四六年十月二十九日 東京三於予署名又

卷之三十一

第十一課 文書回函傳閱  
機部不認證人的資格

### 六代人子三閭之證明

余已不久(5.2.11)上「余が聯合國最高司令官總司令部  
關係下生了些小前記題名文書余「公務上日本政府  
前記書名當作「余生了些小前記之譯文」

一九四二年十月二十九日 蔣介石於南京署名乙

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### FIGURE 5. *W. f. fuscata*

卷之三

國朝小倉集卷之三

〔四〕